UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

SCOTTSDALE CAPITAL ADVISORS CORP, AND JOHN HURRY,	
Plaintiffs, v. THE DEAL, LLC AND WILLIAM MEAGHER, Defendants.	CASE NO. 1:16-CV-00545 Hon. Joseph Normand Laplante)

DEFENDANTS' ASSENTED-TO MOTION TO SEAL

Defendants The Deal, LLC and William Meagher (collectively, the "Defendants"), by and through their attorneys, pursuant to Local Rule 83.12 and Rule 3.3 of the Supplemental Rules for Electronic Case Filing, respectfully request the court seal Defendants' Supplemental Memorandum of Law in Further Support of their Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2), the accompanying Supplemental Declaration of John M. Browning, and Exhibit B annexed thereto. In support of this motion, Defendants state as follows:

- 1. On or about November 18, 2016, Plaintiffs filed this claim for defamation, invasion of privacy, intentional interference with contractual relations, and tortious interference with prospective economic advantage in Hillsborough County Superior Court (Northern District).
- 2. On December 22, 2016, Defendants removed the state court action to the United States District Court for the District of New Hampshire (Dkt. 1).
- 3. On February 2, 2017, Defendants filed a motion to dismiss for lack personal jurisdiction (Dkt. 16). Defendants filed their objection on February 17, 2017 (Dkts. 17 and 18) and Plaintiffs filed their reply on March 3, 2017 (Dkt. 20).

- 4. On May 15, 2017, this Court (LaPlante, J.) heard argument on the motion and took Defendants' motion to dismiss under advisement pending completion of jurisdictional discovery and filing of supplemental briefing.
- 5. On June 2, 2017, the Court entered the protective order agreed to between the parties and dated May 20, 2017 (the "Protective Order") (*See* Dkt. 25).
- 6. The Protective Order, by its terms, is intended to protect from public disclosure confidential personal information, trade secrets, personnel records, or commercial information. Protective Order, ¶ 3. Specifically, in this instance, Defendants have produced and seek to file documents and information including highly sensitive user data and commercially sensitive pricing information relating to The Deal's subscription sales. *See* Local Rule 83.12(c).
 - 7. This Motion to Seal would apply to the following documents:
 - a. Defendants' Supplemental Memorandum of Law in Further Support of their
 Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2) (filed on the public docket in redacted form);
 - b. The Supplemental Declaration of John M. Browning in Further Support of Defendants' Motion to Dismiss (filed on the public docket in redacted form);
 - c. Exhibit B annexed thereto.
- 8. Pursuant to Local Rule 83.12(c), Defendants propose the requested seal order shall expire twelve months after the date on which the Court enters an order disposing of Defendants' Motion to Dismiss.
- 9. Defendants propose that the materials be sealed at Level I pursuant to Local Rule 83.12(b)(1).
 - 10. Plaintiffs do not oppose the relief requested herein. Local Rule 7.1(c).

11. As this matter is committed to the Court's sound discretion, no memorandum of law is submitted in support of this motion. Local Rule 7.1(a)(2).

WHEREFORE, Plaintiffs respectfully request that this Honorable Court:

- (A) Grant this motion to seal; and
- (B) Grant such other and further relief as may be just and proper.

DATED: July 6, 2017 Respectfully submitted,

The Deal, LLC and William Meagher By Their Attorneys: SHAHEEN & GORDON, P.A.

/s/ Steven M. Gordon Steven M. Gordon NH Bar No. 964 107 Storrs Street, P.O. Box 2703 Concord, NH 03302-2703 (603) 225-7262 sgordon@shaheengordon.com

DAVIS WRIGHT TREMAINE LLP Elizabeth A. McNamara (pro hac vice) John M. Browning (pro hac vice) 1251 Avenue of the Americas, 21st Floor New York, NY 10020-1104 (212) 489-8230

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Defendants' Assented-To Motion to Seal was served on the following persons on this date and in the manner specified herein:

Electronically Served Through ECF:

George R. Moore, Esq.- gmoore@devinemillimet.com Christopher D. Hawkins, Esq. - chawkins@devinemillimet.com

Via 1st Class Mail

Charles J. Harder, Esq. (*pro hac vice*) - charder@hmafirm.com
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Dated: July 6, 2017 /s/ Steven M. Gordon Steven M. Gordon, NH Bar #964